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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Javier Uribe-Reyes

Case: 2:11-mj-30610
Judge: Unassigned,
Filed: 11-18-2011 At 10:05 AM
USA V. URIBE-REYES (CMP)(MRM)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11 November 2011 in the county of Washtenaw in the
Eastern District of Michigan, the defendant(s) violated:*Code Section*


8 U.S.C. 1326(a)

Offense Description

Reentry of removed aliens.

This criminal complaint is based on these facts:

On or about November 11, 2011, at or near Ypsilanti, MI, in the Eastern District of Michigan, Southern Division, Javier Uribe-Reyes, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed there from on or about July 3, 2008 at or near Nogales, AZ and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☐ Continued on the attached sheet.

 Complainant's signature

Michael D. Farley, Immigration Enforcement Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/18/2011City and state: Detroit, MI

 Judge's signature

MAGISTRATE JUDGE R. STEVEN WHALEN

Printed name and title

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

IN RE: URIBE REYES, Javier DOB: 12/30/1970, A# 089 815 759

**AFFIDAVIT OF
IMMIGRATION AND CUSTOMS ENFORCEMENT SERVICE OFFICER**

Michael D. Farley (Immigration Enforcement Agent)

CITY OF DETROIT
STATE OF MICHIGAN

I, Michael D. Farley, being duly sworn depose and state the following under penalty of perjury:

1. I am an Immigration Enforcement Agent with U.S. Immigration and Customs Enforcement (ICE), of the United States Department of Homeland Security. I am assigned to the Fugitive Operations Group, Enforcement and Removal Operations, Detroit, Michigan with offices located at 333 Mount Elliott, Detroit, MI. I have served with U.S. Immigration and Customs Enforcement since December of 2008. I have successfully completed the Immigration Officers Basic Training Course at the Federal Law Enforcement Training Center in Glynco, Georgia and the Immigration and Customs Enforcement Field Operations Training Program in Charleston, South Carolina. My duties include but are not limited to the investigation and apprehension of fugitive foreign nationals and/or criminal aliens and aliens previously deported who are present within the borders of the United States.
2. This affidavit is made in support of a criminal complaint and the issuance of an arrest warrant for URIBE REYES, Javier DOB: 12/30/1970, A#089 815 759 for a violation of Title 8, United States Code, Section 1326(a), being present in the United States After Removal. The details concerning the violation are described in further detail below.
3. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all of the information collected during my investigation.
4. URIBE REYES, Javier DOB: 12/30/1970, A#089 815 759 is not a citizen or national of the United States. URIBE REYES is a citizen and national of Mexico by virtue of birth.
5. On July 2, 2008, officials with the United States Border Patrol apprehended URIBE REYES, an illegal alien present in the United States, at or near Tucson, Arizona. According to the arresting officer's narrative which was documented on a form I-213 (Record of Deportable/Inadmissible Alien) URIBE REYES was encountered in the District of Arizona.

The arresting officer further stated that he had determined that URIBE REYES had unlawfully entered the United States at a time and place not designated by the Immigration Officers of the United States. Finally, the officer stated that URIBE REYES was apprehended within 14 days of entry and within 100 air miles of the border and therefore processed him for an Expedited Removal under section 235(b)(1) of the Immigration and Nationality Act (INA).

6. On July 2, 2008, URIBE REYES was charged with 8 U.S.C. 1325 and prosecuted in the United States District Court, District of Arizona. On July 3, 2008, URIBE REYES was convicted of 8 U.S.C. 1325 and sentenced to time served.

7. On July 3, 2008, an official with the United States Border Patrol determined URIBE REYES actions were in violation of section 212(a)(7)(A)(i)(I) of the INA. Section 212(a)(7)(A)(i)(I), as amended, applies to persons who enter the United States and were not in possession of or presented a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document and have therefore entered into the United States illegally with the intent to reside in the United States. An official with the United States Border Patrol then found URIBE REYES to be inadmissible to the United States under the same section of law, section 212(a)(7)(A)(i)(I) of the INA, and subsequently ordered URIBE REYES removed from the United States under section 235(b)(1) of the INA also known as Expedited Removal.

8. On July 3, 2008, URIBE REYES was removed from the United States to Mexico via the Nogales, Arizona Port of Entry. This removal was documented on a form I-296 and copied to URIBE REYES 's Alien File. As a consequence of URIBE REYES having been found inadmissible as an arriving alien in proceedings under section 235(b)(1) of the INA he was therefore prohibited from entering, attempting to enter, or be in the United States for a period of five years from the date of his departure from the United States.

9. On November 11, 2011, Immigration and Customs Enforcement Agents arrested URIBE REYES, at his brother's home, located at 5229 W. Michigan Ave, Lot 222 in Ypsilanti, Michigan. URIBE REYES admitted that he was illegally present in the United States after being removed and URIBE REYES's, previous order of removal was re-instated. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.

10. After reviewing the alien file review of alien file #089 815 759 for URIBE REYES which was conducted by the National Records Center and faxed to me, and queries of the subject of this affidavit in ICE computer databases, confirm no record exists that URIBE REYES obtained permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States following his deportation on July 3, 2008. In addition, URIBE REYES admitted in a sworn statement that he never applied to

the Attorney General of the United States for permission to enter the United States after his removal. Furthermore, URIBE REYES admitted in a sworn statement that he illegally re-entered the United States sometime in July 2008 at or near the State of Arizona.

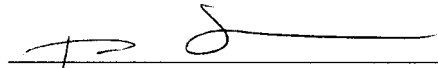
11. On November 11, 2011, URIBE REYES, Javier DOB: 12/30/1970, A#089 815 759 fingerprints were searched in the ICE/FBI systems by Immigration and Customs Enforcement officers. URIBE REYES, Javier DOB: 12/30/1970, A#089 815 759 fingerprints returned with a positive match for URIBE REYES, Javier DOB: 12/30/1970, A#089 815 759, (FBI# 135510AD4), a previously deported alien.

12. Based on the above information, I believe there is probable cause to conclude that URIBE REYES, Javier, is an alien who is present in the United States after deportation or removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security in violation of Title 8, United States Code, Section 1326(a).



Michael D. Farley
Immigration Enforcement Agent
U.S. Immigration and Customs Enforcement
333 Mount Elliott
Detroit, MI 48207

Sworn to and subscribed before me
on this 18th day of November, 2011.



Honorable
United States Magistrate Judge

Date

11 / 18 / 11